

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COLBY DWOSKIN, an individual,

Plaintiff,

v.

USAA GENERAL INDEMNITY COMPANY,
a foreign insurer,

Defendant.

NO. 2:24-CV-01097-RSM

ORDER DENYING DEFENDANT'S
MOTION FOR PROTECTIVE ORDER

This matter comes before the Court on Defendant USAA General Indemnity Company's Motion for Protective Order on Plaintiff's FRCP 30(b)(6) Records Deposition, Dkt. #17. Plaintiff Colby Dwoskin has filed an opposition. Dkt. #19. Neither party has requested oral argument.

"Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1).

1 “A party or any person from whom discovery is sought may move for a protective order
 2 in the court where the action is pending – or as an alternative on matters relating to a deposition,
 3 in the court for the district where the deposition will be taken.” Fed. R. Civ. P. 26(c)(1). “The
 4 court may, for good cause, issue an order to protect a party or person from annoyance,
 5 embarrassment, oppression, or undue burden or expense...” *Id.* “The decision to issue a
 6 protective order rests within the sound discretion of the trial court.” *Seiter v. Yokohama Tire*
 7 *Corp.*, 2009 WL 2461000, *1 (W.D. Wash. 2009).

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 9 Under Rule 30(b)(6), a party naming as the deponent a public or private corporation, a
 10 partnership, an association, a governmental agency, or other entity must describe “with
 11 reasonable particularity” the matters for examination.

12 At issue in this Motion is Plaintiff’s request for a records deposition of USAA’s 30(b)(6)
 13 designee. The matters for examination include the existence of documents, “the systems,
 14 processes, and purposes for the creation and storage” of those documents, “retention/destruction
 15 policies,” and similar questions. *See* Dkt. #18 at 163–65. The specific documents at issue are:

- 17 1. Email communications sent to morgan@rainieradvocates.com
 18 from any USAA email address that relate to the Claim No.
 19 035577044-007 or to the bodily injury claim made by Colby
 20 Dwoskin against Alton Riddle.
- 21 2. Email communications sent by morgan@rainieradvocates.com
 22 and received by any email address belonging to USAA that relate to
 23 the Claim No. 035577044-007 or to the bodily injury claim made by
 24 Colby Dwoskin against Alton Riddle.
- 25 3. Recordings of any phone conversations between Morgan J. Wais
 26 and USAA employees that relate to Claim No. 035577044-007 or to
 27 the bodily injury claim made by Colby Dwoskin against Alton
 Riddle.
4. Any documents provided by Morgan J. Wais to USAA
 concerning Claim No. 035577044- 007 or the bodily injury claim
 made by Colby Dwoskin against Alton Riddle.

1 5. Email communications sent by morgan@rainieradvocates.com to
2 any USAA email address concerning the July 12, 2023 Assignment
3 of Rights Offer that is attached as Exhibit 1 to this Notice.

4 6. Email communications sent to morgan@rainieradvocates.com
5 from any USAA email address concerning the July 12, 2023
6 Assignment of Rights Offer.

7 7. Email communications sent from any USAA email address to any
8 email USAA email address that concerns Claim No. 035577044-007
9 or relates to the bodily injury claim made by Colby Dwoskin against
10 Alton Riddle.

11 8. Recordings of any phone conversations between USAA
12 employees that relate to Claim No. 035577044-007 or to the bodily
13 injury claim made by Colby Dwoskin against Alton Riddle.

14 9. Documents exchanged between USAA employees concerning
15 Claim No. 035577044-007 or related to the bodily injury claim
16 made by Colby Dwoskin against Alton Riddle.

17 10. Email communications sent by any USAA email address to
18 "alvi37@msn.com" or any other email address belonging to Alton
19 Riddle Sr. that relate to Claim No. 035577044-007 or to the bodily
20 injury claim made by Colby Dwoskin against Alton Riddle.

21 11. Email communications sent to any USAA email address from
22 "alvi37@msn.com" or any other email addresses belonging to Alton
23 Riddle Sr.'s agents that relate to Claim No. 035577044- 007 or to
24 the bodily injury claim made by Colby Dwoskin against Alton
25 Riddle.

26 12. Email communications sent from a USAA email address to
27 "alvi37@msn.com" or any other email addresses belonging to Alton
Riddle Sr. concerning the July 12, 2023 Assignment of Rights Offer.

13. Email communications sent to a USAA email address from
"alvi37@msn.com" or any other email addresses belonging to Alton
Riddle Sr. concerning the July 12, 2023 Assignment of Rights Offer.

14. Recordings of any phone conversations between Alton Riddle
Sr. and USAA employees that relate to Claim No. 035577044-007
or to the bodily injury claim made by Colby Dwoskin against Alton
Riddle.

1 15. The location and existence of any communications or other
2 documents, in addition to email communication sent to Alton Riddle
3 Sr concerning Claim No. 035577044-007 or otherwise relating to
the bodily injury claim made by Colby Dwoskin against Alton
Riddle.

4 16. Email communications sent by any USAA email address to
5 “waynemccook@mccooklawfirm.com” that relate to Claim No.
6 035577044-007 or Alton Riddle Sr.

7 17. Email communications sent to any USAA email address from
8 “waynemccook@mccooklawfirm.com” that relate to Claim No.
9 035577044-007 or Alton Riddle Sr.

10 18. Email communications sent from a USAA email address to
11 “waynemccook@mccooklawfirm.com” concerning the July 12,
12 2023 Assignment of Rights Offer.

13 19. Email communications sent to a USAA email address from
14 “waynemccook@mccooklawfirm.com” concerning the July 12,
15 2023 Assignment of Rights Offer.

16 20. Recordings of any phone conversations between Wayne OBrien
17 McCook and USAA employees that relate to Claim No. 035577044-
18 007 or Alton Riddle Sr.

19 21. Any communications or other documents, in addition to email
20 communication sent to Wayne OBrien McCook concerning Claim
21 No. 035577044-007 or Alton Riddle Sr.

22 22. All documents, regardless of form, prepared by USAA
23 concerning Claim No. 035577044- 007 or related to the bodily
24 injury claim made by Colby Dwoskin against Alton Riddle Sr.

25 23. The location and existence of any and all policies, procedures,
26 guidelines or claims handling instructions/suggestions concerning
27 USAA’s evaluation of bodily injury claims under third party bodily
injury insurance policies from 2018-2023.

Id. at 166–69.

Defendant USAA argues that these topics seek information that Plaintiff already has or that the requests are otherwise duplicative or cumulative. USAA also argues that Plaintiff has no reason to believe that USAA has not produced all relevant information within its possession,

1 custody, and control. *See* Dkt. #17. USAA also argues that the records at issue are more likely
2 to be in the possession of “Morgain Wais, defense counsel for the insured in the underlying
3 personal injury suit, or [the insured’s] bankruptcy counsel.” *Id.* at 6. USAA states, “In fact,
4 Plaintiff has sought to obtain relevant documents and communications from Mr. Wais. Though
5 the subpoena was objected to, Mr. Wais has not denied the existence of these documents, and
6 Plaintiff is more likely to obtain the documents he seeks by filing a motion to compel rather than
7 repeatedly seeking for information from USAA GIC that it has already stated it does not have.”
8 *Id.* at 6–7. USAA cites to no law (other than the applicable legal standards) or analogous cases
9 to support their position.
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11 In Response, Plaintiff runs through various back and forth requests for discovery and
12 fights over the meaning of USAA’s objections. *See* Dkt. #19.

13 On Reply, USAA argues:

14 At no point prior to this motion has Plaintiff asked about what was
15 done to search for these documents, and only asked whether certain
16 documents existed, which USAA GIC has consistently stated that
17 all the documents USAA GIC has within its possession, custody,
18 and control would be contained in the documents it has already
19 produced. Looking at Plaintiff’s deposition notice, it is clear that
20 Plaintiff’s intention with this deposition is to confirm the existence
21 of the listed documents, not to verify if a thorough search was
22 performed.

23 Dkt. #21 at 4.

24 USAA’s argument on Reply is belied by the language in the deposition notice, quoted
25 above, where Plaintiff seeks not only “the existence of documents,” but “the systems, process,
26 and purposes for the creation, duplication and/or storage of documents” and
27 “retention/destruction policies.” This deposition has always been about more than just the
existence of documents. Plaintiff is hoping to clear up a non-trivial, relevant issue in this case.

1 It is not for USAA or the Court to decide whether Plaintiff should seek this discovery in a 30(b)(6)
2 deposition or file a motion to compel against Mr. Wais.

3 The Court will not get bogged down in the merits of the Plaintiff's substantive insurance
4 bad faith theories. It is enough to say that USAA has not demonstrated good cause to issue a
5 protective order to prevent this relatively standard records deposition.

6 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
7 finds and ORDERS that Defendant USAA General Indemnity Company's Motion for Protective
8 Order on Plaintiff's FRCP 30(b)(6) Records Deposition, Dkt. #17, is DENIED.
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10 DATED this 24th day of June, 2025.

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13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE
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